

Appl. No. 09/508,794
Amdt. dated June 4, 2004
Reply to Office Action of December 4, 2003

REMARKS

The Office Action mailed on December 4, 2003 is acknowledged. Reexamination of the above-mentioned application is hereby requested in view of the above amendments and the following remarks.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 147-149, 153-156, 170-172 and 175-178 under 35 U.S.C. § 112. Specifically, claims 147-149 and 170-172 stand rejected due to the lack of proper antecedent basis required for the recitation of the claim limitation "the inwardly curved region." Claims 153-156 and 175-178 also stand rejected for lack of proper antecedent basis for the claim limitation "said at least one outer edge."

Applicant has amended claims 147-149 and 169-171 in order to ensure proper antecedent basis of the claim term "the inwardly curved region." Claim 147 depends from claim 140 and now claims "an" inwardly curved region, rather than "the" inwardly curved region. Applicant has amended claim 148 to depend from claim 147, wherein the "inwardly curved region" is now properly claimed. Similarly, applicant has amended claim 149 to depend from claim 148, thereby ensuring proper antecedent basis for claim 149.

Applicant has also amended claims 169-171 in a manner similar to claims 147-149. Applicant has amended claim 169 to now include the limitation of "an inwardly curved region." Applicant has also amended claim 170 to depend from claim 169 and has amended claim 171 to depend from 170. Applicant believes this corrects improper antecedent basis issues relating to the claim term "inwardly curved region."

With respect to the rejections of claims 153-156 and 175-178 under 35 U.S.C. § 112, Applicant has amended these claims to correct all issues relating to the improper antecedent basis of the claim term "said at least one outer edge." Specifically in claims 150, 153, 154, 175 and 176, Applicant has altered the claim

language to claim, in part, "an" at least one outer edge rather than "said" at least one outer edge.

Applicant has also amended claims 155, 177 and 178 to depend from claims 154, 176 and 177, respectively. These amendments rectify the problems of antecedent basis relating to the claim term "said at least one outer edge." Claim 155 now depends from claim 154, which properly recites an at least one outer edge. Similarly, claim 177 depends from corrected claim 176. Finally, claim 178 now depends from corrected claim 177.

Claim Rejections under 35 U.S.C. § 103

Currently, all of the claims pending in the present application stand rejected under 35 U.S.C. § 103 by the Examiner. For example, the Examiner has rejected claims 140, 151, 162-165, 167, 168, 173, 184-186, 193 and 195-197 under § 103(a) as being unpatentable over U.S. Patent 5,893,132 (Huffman et al.) in view of U.S. Patent 6,331,867 (Eberhard et al.) The Examiner asserts that Huffman teaches "an electronic book comprising: a casing having at least one display unit comprising a touch screen operable by a finger or pen to use as operating processing tool (see, figs. 2,3 (130) and figs. 5-22, col.8, lines 36-42); the casing having at least a first part and a second part (fig.2(130, 132)), said first and second parts being hinged together by a hinge means such that casing is adapted to be folded open and shut (see, figs.1 and 2 (110)); the touch screen being adapted to provide at least one virtual operating element (fig.15 (294); fig.21 (360)); at least one manipulation region for use by a user (fig. 11 (267, 268, 269), fig.21 (360)), said manipulation region being designed in the side zone of the casing (fig. 11 (267, 268, 269), fig.21 (360)), at least one operating element triggering leafing through functions (col.8, lines 51 – col. 9, lines 6)." In addition, the Examiner asserts that Huffman teaches, "a control unit (fig.3 (152)), a storage medium (fig.3 (136,154) same as RAM, ROM), information may be present in the form of text (figs. 19-20)).

The Examiner admits that Huffman does not teach that a user may execute multifunction operations with the fingers of the hand holding the case without shifting the wrist. Thus, the Examiner relies on Eberhard to teach the limitation of triggering multifunction operation elements with the fingers/thumbs of the hand holding the casing without shifting the wrist. Therefore, the Examiner asserts that it would have been obvious to one skilled in the art to incorporate the method of manipulation of a multifunction operation as taught by Eberhard into the system of Huffman, as this would simplify Huffman's device. Applicant respectfully disagrees.

Claim 140

Applicant believes that claim 140, as currently pending, includes various limitations not shown in either Huffman or Eberhard. For example, claim 140 requires that the mobile digital display include a touch screen including a virtual operating element and a manipulating region disposed in the casing. Claim 140 further requires that the manipulation region include a multifunction element actuated by a finger and a virtual operating element that may be triggered by a thumb on the same hand without substantial shifting of the wrist.

In rejecting claim 140, the Examiner relies on both Figure 11 and Figure 21 of Huffman to teach a manipulating region. Specifically, the Examiner characterizes the items indicated by numerals 267, 268 and 269 in Figure 11 and item 360 in Figure 21 as manipulating regions. The Examiner further characterizes elements 294 and 360 as virtual operating elements. In characterizing these items as manipulating regions and virtual operating elements, the Examiner ignores the claim limitations requiring that the manipulating regions be manipulated by fingers while the virtual operating elements are actuated by the thumb without shifting of the wrist of the hand holding the casing.

As characterized by the Examiner, it would be physically impossible for an operator to hold the casing while also manipulating the manipulating region with a finger and the virtual operating region with a thumb. Specifically, if an operator

would like to actuate the manipulating and virtual operating elements as characterized by the Examiner in Huffman, an operator would be required to position his hand entirely above the display. With his hand positioned in this manner, the operator would be prevented from grasping the casing.

Eberhard teaches a device wherein the operator grasps the casing and manipulates the touch screen with his thumbs, but does not disclose utilization of the fingers. In fact, the fingers of the operator in Eberhard are located opposite the display screen, which prevents the fingers from reaching the screen. Accordingly, using the hand configuration taught by Eberhard, in conjunction with the positions of the "manipulating regions" and "virtual operating elements" of Huffman would prevent an operator from engaging both the manipulating region and virtual operating elements with a finger and a thumb from one hand while not rotating the wrist.

Claim 168

The Examiner also rejected claim 168 under 35 U.S.C. § 103, based upon the same combination of Huffman and Eberhard described above with respect to claim 140. Claim 168 also requires that the virtual operating element be triggered by the thumb of the operator and the manipulation region be triggered by the fingers of the operator, while the operator grasps the casing. For the reasons set forth above, Applicant believes that the combination of Huffman and Eberhard do not teach at least this claim limitation. Accordingly, Applicant believes that claim 168 is allowable over the prior art.

New Claims

The present amendment adds new claims 198–211, including independent claims 198 and 208 - 210. Applicant has added these new claims in order to clarify the invention of the application and believes these new claims are allowable over the prior art of record.

Claim 198

Claim 198 claims, in part, a display apparatus including a casing and a display unit. As support for this claim, Applicant refers to Figures 20a-20d depicting a casing including a display unit. The display unit includes a central display and a marginal display area, and the marginal display area includes a plurality of virtual operating elements each triggering an operation function when touched.

At pages 27-28, the specification describes that at the lateral side of the display area it is preferably, during normal reading mode, "to keep blanked out or invisible a multiplicity of irritating and disturbing functions or operating information." Thus, the specification provides support for not continually displaying virtual operating elements in the margin of the display area.

Claim 208

Claim 208 claims a digital display means including, in part, a housing including a display area, and navigation input means. The housing has two parts hinged together by hinge means. In the very least, Figures 2 and 3 of the present application provide support for these claim limitations.

Claim 209

Claim 209 claims a digital display means including, in part, a housing having a display area, and navigation input means distinct from the display area. The display area includes a sensitive manipulation area for manipulation via a pen or a finger. In the very least, Figures 2, 3, 7 and 11 of the present application provide support for these claim limitations.

Claim 210

Claim 210 claims a digital display means including, in part, a housing including a display area, and navigation input means distinct from the display area. The navigation means are located opposite the display area proximate the side of the housing. In the very least, Figures 2, 3 and 11 of the present application provide support for these claim limitations.

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Conclusion

For the reasons set forth above, Applicant believes claims 140 and 168 are allowable over the combination of Huffman and Eberhard. Accordingly, Applicant requests that the rejection of these claims be withdrawn and that the claims be considered in condition for allowance. Applicant also believes that in light of the amendments discussed above, all claims depending from claims 140 and 168 are also in condition for allowance, and Applicant respectfully requests passage thereof.

In addition, Applicant believes that newly added claims 198 – 211 are properly supported by the specification and also in condition for allowance. Accordingly, applicant respectfully requests passage thereof.

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If necessary to affect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (72262.90033). However, please do not include the payment of issue fees.

Respectfully submitted,

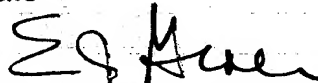


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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 4, 2004

Date



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